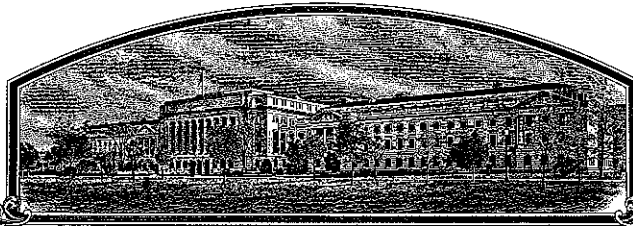


No.

200400029



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Stalof Weibull A B

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMERICAL GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEA, FIELD

'SW Prodigy'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this sixteenth day of March, in the year two thousand and five.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER SVALÖF WEIBULL AB		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME SW AB145	3. VARIETY NAME 'SW Prodigy'
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) SE268 81 SVALÖV, SWEDEN		5. TELEPHONE (include area code) 46-418-667000	FOR OFFICIAL USE ONLY VARIETY NUMBER 200400028
		6. FAX (include area code) 46-418-667100	FILING DATE 11/18/2003
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) CORPORATION	8. IF INCORPORATED, GIVE STATE OF INCORPORATION SWEDEN	9. DATE OF INCORPORATION 1993	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) SW SEED LTD. 2-411 DOWNEY RD. SASKATOON, SK CANADA S7N 4L8			FILING AND EXAMINATION FEES: \$ 3652.00 DATE 11/18/2003 CERTIFICATION FEE: \$ 432.00 DATE 1-14-2005
11. TELEPHONE (include area code) 306-477-5230	12. FAX (include area code) 306-477-5239	13. E-MAIL howard.love@swseed.se	14. CROP KIND (Common Name) Pisum sativum (Field pea)

18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)

- a. ☒ Exhibit A. Origin and Breeding History of the Variety
- b. ☒ Exhibit B. Statement of Distinctness
- c. ☒ Exhibit C. Objective Description of Variety
- d. ☐ Exhibit D. Additional Description of the Variety (Optional)
- e. ☒ Exhibit E. Statement of the Basis of the Owner's Ownership
- f. ☒ Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)
- g. ☒ Filing and Examination Fee (\$2,705), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)

19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act

- ☒ YES (If "yes", answer items 20 and 21 below) ☐ NO (If "no," go to item 22)

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? ☒ YES ☐ NO

IF YES, WHICH CLASSES? ☒ FOUNDATION ☒ REGISTERED ☒ CERTIFIED

21. DOES THE OWNER SPECIFY THAT THE CLASSES BE LIMITED AS TO NUMBER OF GENERATIONS? ☒ YES ☐ NO

IF YES, SPECIFY THE NUMBER 1, 2, 3, etc. **3** FOUNDATION **2** REGISTERED **1** CERTIFIED

(If additional explanation is necessary, please use the space indicated on the reverse.)

22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES?

- ☐ YES ☒ NO

IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)

23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)?

- ☐ YES ☒ NO

IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)

24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER

Howard K. Love

SIGNATURE OF OWNER

NAME (Please print or type)

DR. HOWARD K. LOVE

NAME (Please print or type)

CAPACITY OR TITLE

CON. RESEARCH DIRECTOR, U.P.

DATE

NOV. 13 2003

CAPACITY OR TITLE

DATE

200400023
GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be submitted: (1) completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety: at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,705 (\$20 filing fee and \$2,385 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. DO NOT use marking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$320 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office
Telephone: (301) 504-5518
FAX: (301) 504-5291
Homepage: <http://www.ams.usda.gov/science/pvp.htm>

IM

1. Give:
 - (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
2. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
 - (1) identify these varieties and state all differences objectively;
 - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
3. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
4. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
5. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant MAY NOT reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).

See Section 83 of the Act for the Contents and Term of Plant Variety Protection.

See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.

See Section 5.5 of the Act for instructions on claiming the benefit of an earlier filing date.

CONTINUED FROM FRONT (Please provide a statement as to the limitation and sequence of generations that may be certified.)

CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right. (Plant Breeder's Right or Patent).)

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the variety names proposed by contacting: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center-East, Beltsville, MD 20705. Telephone: (301) 504-8089.

Pursuant to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is (0581-0055). The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact the USDA's TARGET Center at 800-720-2609 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 696-6444 (voice and TDD). USDA is an equal opportunity provider and employer.

470 (2-99) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (6-98) which is obsolete.

'SW Prodigy'

Variety: SW A6145 (name pending) Field PeaMHT
1-11-2005**Exhibit A: Origin and Breeding History of the Variety**

SW A6145 was developed by Svalof Weibull AB, Svalöv, Sweden. This semi leafless variety originates from a cross Sv 88963 x Explorer done in 1997. The parents in this cross: Sv 88963 was a mildew resistant selection from the Svalöf prebreeding program and Explorer was a variety on the Swedish national list. The breeding method was a pedigree method and the variety originates from a single plant selection in F4. Selection was made for yield, earliness, strawstiffness, good green colour and powdery mildew resistance. Breeders seed was derived from a single plant in F6.

Sv 88963 is a cross between Rigel x Fjord

Statement of Uniformity and Stability

SW A6145 is uniform and stable. No offtypes. Stability has been observed in more than two seasons.

No variants were observed.

Methods of maintaining the variety.

SW A6145 is maintained from breeder seed. Breeder seed will be maintained by Svalöf Weibull AB, Sweden and SW Seed Ltd. Saskatoon, SK, Canada.

'SW Prodigy'
Variety: SW A6145 (name pending) Field Pea

Exhibit B: Statement of Distinctness

SW A6145 is a distinct variety, possible to distinguish from Majoret and SW Salute – the two most similar varieties known to us. SW A 6145 differs from Majoret by having a blunt pod instead of a pointed pod like Majoret and by being resistant to powdery mildew whereas Majoret is susceptible. SW A 6145 differs from SW Salute by having green cotyledons where SW Salute has yellow cotyledons.

UNITED STATES DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE
 Science Division
 NATIONAL AGRICULTURAL LIBRARY
 BELTSVILLE, MARYLAND 20705
 OBJECTIVE DESCRIPTION OF VARIETY
 PEA (PISUM SATIVUM)

EXHIBIT C
 (Pca)

NAME OF APPLICANT(S)

SVALÖF WEIBULL AB

ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code)

SE 268 81

SVALÖF, SWEDEN

VARIETY NAME OR TEMPORARY DESIGNATION

SW AB145 'SW Prodigy'

FOR OFFICIAL USE ONLY

PVPO NUMBER 200400029

Place the appropriate number that describes the varietal character in the boxes below.

Place a zero in first box (e.g., 089 or 09) when number is either 99 or less or 9 or less.

1. TYPE:

☒ 2

1 - GARDEN

2 - FIELD

3 - EDIBLE-PODDED

2. MATURITY:

☒ 15

Node number of first bloom:

☐ ☐ ☐

No. of days to processing

☐ ☐ ☐ ☐

Heat Units

☐ ☐

No. of days earlier than

☐

1 = ALASKA WR

2 = THOMAS LAXTON WR

3 = LITTLE MARVEL

☐ ☐

No. of days later than

☐

4 = WANDO

5 = ALDERMAN WR

6 = AUSTRIAN WINTER

3. PLANT HEIGHT:

☐ 65

CM. HIGH

☐ ☐

Cm. Shorter than

☐

1 = ALASKA WR

2 = THOMAS LAXTON WR

3 = LITTLE MARVEL

☐ ☐

Cm. Taller than

☐

4 = WANDO

5 = ALDERMAN WR

6 = AUSTRIAN WINTER

4. VINE:

☒ 2

Habit:

1 = DETERMINATE

2 = INDETERMINATE

☐

Stockiness:

1 = SLIM (Alaska)

3 = HEAVY (Alderman)

2 = MEDIUM (Thomas Laxton WR)

☒ 1

Branching:

1 = NONE (Alaska)

2 = 1-2 BRANCHES (Little Marvel)

3 = MORE THAN 2 BRANCHES (Dwarf Gray Sugar)

☒ 1

Internodes:

1 = STRAIGHT

2 = ZIG ZAG

☐ ☐

NUMBER OF NODES

5. LEAFLETS: not present

☒ 1

Color:

1 = LIGHT GREEN (Alaska WR)

2 = MED. GREEN (Thomas Laxton WR)

3 = DARK GREEN (Alderman)

4 = OTHER (Specify)

☐

Wax:

1 = NONE

2 = LIGHT

3 = MEDIUM

4 = HEAVY

☐

1 = NOT MARBLED

2 = MARBLED (Alaska)

☐

Number of leaflet pairs:

1 = NOT PAIRED

2 = ONE

3 = TWO

4 = THREE OR MORE

6. STIPULES:

☒ 2

1 = LACKING

2 = PRESENT

☐

1 = NOT CLASPING

2 = CLASPING

☒ 2

1 = NOT MARBLED

2 = MARBLED

☒

Size (Compared with leaflets):

1 = SMALLER

2 = SAME

3 = LARGER

☒

Color (Compared with leaflets):

1 = LIGHTER

2 = SAME

3 = DARKER

7. FLOWER COLOR:

☒

VENATION

☐

STANDARD

☐

WING

☐

KEEL

1 = WHITE

2 = GREENISH

3 = LAVENDER

4 = PURPLE

5 = RED

6 = OTHER (Specify)

8. PODS:

☐ 2 Shape: 1 = STRAIGHT 2 = SLIGHTLY CURVED 3 = CURVED ☐ 2 End: 1 = POINTED (Alderman) 2 = BLUNT (Alaska)
☐ 2 Color: 1 = LIGHT GREEN (Alaska WR) 2 = MEDIUM GREEN 3 = DARK GREEN (Alderman)
 4 = OTHER (Specify) _____
☐ 1 Surface: 1 = SMOOTH 2 = ROUGH ☐ 2 Surface: 1 = SHINY 2 = DULL
☐ 2 Borne: 1 = SINGLE 2 = DOUBLE 3 = SINGLE AND DOUBLE 4 = SINGLE, DOUBLE, & TRIPEE
 5 = DOUBLE & TRIPLE 6 = TRIPLE 7 = OTHER (Specify) _____
☐ 6 CM. LENGTH ☐ 10 MM. WIDTH (Between sutures) ☐ 7 NO. SEEDS PER POD

9. SEEDS (95-100 Tenderometer):

☒ Color: 1 = LIGHT GREEN 2 = GREEN 3 = DARK GREEN 4 = OTHER (Specify) _____
 Seive: % ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ AVERAGE

SEEDS (Dry, Mature):

☐ 4 Shape: 1 = FLATTENED 2 = ANGULAR 3 = OVAL 4 = ROUNDED
☐ 1 Surface: 1 = SMOOTH 2 = DIMPLED 3 = WRINKLED ☐ 2 Surface: 1 = SHINY 2 = DULL
☐ 1 Color Pattern: 1 = MONOCOLOR 2 = MOTTLED 3 = STRIPED 4 = DOTTED
☐ 1 Primary Color: 1 = CREAMY-WHITE 2 = CREAM & GREEN 3 = LIGHT GREEN 4 = MEDIUM GREEN
 5 = DARK GREEN 6 = BLUE-GREEN 7 = YELLOW 8 = BROWN 9 = RED
☐ Secondary Color: 10 = GRAY 11 = BLACK
☐ 1 Hilum Floor Color: 1 = WHITE 2 = TAN 3 = BLACK ☐ 1 Cotyledon Color: 1 = GREEN 2 = YELLOW 3 = ORANGE

☐ 22 GRAMS PER 100 SEEDS

MAH 1-10-2005

10. DISEASE: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

☐ 0 FUSARIUM WILT ☐ 0 NEAR-WILT ☐ 0 DOWNY MILDEW
☐ 0 ASCOCHYTA BLIGHT ☐ 2 POWDERY MILDEW ☐ 0 BACTERIAL BLIGHT
☐ 0 MOSAIC ☐ 0 PEA ENATION MOSAIC ☐ 0 YELLOW BEAN MOSAIC
☐ OTHER (Specify) _____

11. INSECT: (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

☐ 0 APHIDS ☐ OTHER (Specify) _____

12. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leafiness	Major	Fresh Seed Color	
Leaf Color	Major	Mature Seed Color	Major
Pod Color	Major	Seed Shape	Major
Pod Shape	SW Salute	Plant Habit	SW Salute

COMMENTS:

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

1. NAME OF APPLICANT(S) SVALÖF WEIBULL AB	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER SWA6145	3. VARIETY NAME 'SW Prodigy'
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) SE268 81 SVALÖF, SWEDEN	5. TELEPHONE (include area code) 46-418-667000	6. FAX (include area code) 46-418-667100
7. PVPO NUMBER 200400029		

8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. ☒ YES ☐ NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company? ☐ YES ☒ NO
If no, give name of country SWEDEN

10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?
☐ YES ☐ NO If no, give name of country

b. If original rights to variety were owned by a company(ies), is(are) the original owner(s) a U.S. based company?
☐ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (if needed, use reverse for extra space):

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

STD-470-E (07-97) (Destroy previous editions).

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